

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CT-3199-FL

PETE NOBLE MUHAMMAD,

Plaintiffs,

v.

SCOTT PLASTER,

Defendant.

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ORDER


The matter is before the court on plaintiff's motion for a preliminary injunction (DE # 9), filed April 11, 2011, and motion for default judgment (DE # 12), filed April 25, 2011. Plaintiff requests immediate release from supervised probation.

A preliminary injunction is an extraordinary remedy which should not be granted unless there is a clear showing of both likely success and irreparable injury. The Real Truth About Obama, Inc. v. Federal Election Commission, 575 F.3d 342, 345 (4th Cir. 2009), vacated on other grounds, 130 S. Ct. 2371 (2010), reinstated in relevant part on remand, 607 F.3d 355 (4th Cir. 2010). A movant must establish the following to obtain a preliminary injunction: (1) that he is likely to succeed on the merits; (2) that he is likely to suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest. Winter v. Natural Resources Defense Council, Inc., 129 S.Ct. 365, 374 (2008). Plaintiff has failed to demonstrate irreparable harm, or any of the other requirements necessary to obtain injunctive relief. Therefore, his motion is DENIED.

Plaintiff also seeks default judgment against defendant Scott Plaster because he has failed to timely respond to the complaint. The docket indicates that defendant was served with the summons and complaint on April 14, 2011, and that his answer is not due until June 13, 2011. Because defendant's answer is not yet due, plaintiff's motion for default judgment is DENIED.

In sum, plaintiff's motion for a preliminary injunction (DE # 9) and his motion for default judgment (DE # 12) are both DENIED.

SO ORDERED, this the 3rd day of June, 2011.



LOUISE W. FLANAGAN
Chief United States District Judge